

TRANSMITTED LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

Attorney's Docket Number

06267.0053

U.S. Application No.

09/673,794

International Application. No.

PCT/FI99/00329

International Filing Date

April 23, 1999

Priority Date Claimed

April 23, 1998

#5

Title of Invention: CONTROLLED RELEASE PERORAL COMPOSITIONS OF LEVOSIMENDAN

Applicants For DO/EO/US: 1) Ilkka LARMA, 2) Maarit HARJULA, 3) Salla ANTILA, and  
4) Lasse LEHTONEN

Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US)  
the following items and other information:

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

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130.00 OP

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☒ Other items or information:
  - a. ☒ Response to Notification of a Defective Response and Petition For Name Change of Inventor.
  - b. ☒ Copy of Notification of A Defective Response.
  - c. ☒ Copy of Notification of A Defective Oath or Declaration.
  - d. ☒ Copy of Court Order Reflecting the Name Change, with English Translation.

17. [ ] The following fees are submitted:

CALCULATIONS

**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO.....\$860.00

International preliminary examination fee paid to

USPTO (37 CFR 1.482).....\$690.00

No international preliminary examination fee paid to

USPTO (37 CFR 1.482) but international search fee

paid to USPTO (37 CFR 1.445(a)(2)).....\$760.00

Neither international preliminary examination fee

(37 CFR 1.482) nor international search fee

(37 CFR 1.445(a)(2)) paid to USPTO.....\$1,000.00

International preliminary examination fee paid to USPTO

(37 CFR 1.482) and all claims satisfied provisions

of PCT Article 33(1)-(4).....\$ 100.00.

**ENTER APPROPRIATE BASIC FEE AMOUNT****= \$**

Surcharge of \$130.00 for furnishing the oath or declaration later than

[ ] 20 [ ] 30 months from the earliest claimed priority date

(37 CFR 1.492(e)).

\$

Claims	Number Filed	Number Extra	Rate	
Total Claims	17 -20=	0	X \$18.00	\$
Independent Claims	3 - 3=	0	X \$80.00	\$
Multiple dependent claim(s) (if applicable)				+\$270.00 \$
<b>TOTAL OF ABOVE CALCULATIONS</b>				<b>= \$</b>

a. [X] A check in the amount of \$130.00 to cover the Petition fee is enclosed.

b. [ ] Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0916. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge any other fees due under 37 C.F.R. §1.16 or §1.17 during the pendency of this application to our Deposit Account No. 06-0916.

SEND ALL CORRESPONDENCE TO:

Finnegan, Henderson, Farabow

Garrett &amp; Dunner, L.L.P.

1300 I Street, N.W.

Washington, D.C. 20005-3315

EFC/FPD/sci



Ernest F. Chapman

Reg. No. 25,961

Submitted: January 25, 2001



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO. 09/673794	FIRST NAMED APPLICANT LARMA	ATTY. DOCKET NO. 08287.0053
FINNEGAN HENDERSON FARABOW GARRETT & DUN 1300 I STREET N W WASHINGTON, DC 20005 3315		INTERNATIONAL APPLICATION NO. PCT/FI99/00329
		LA FILING DATE 23 APR 99
		PRIORITY DATE 23 APR 98
		DATE MAILED: 04 JAN 2001

NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
2. ☐ Applicant's response filed \_\_\_\_\_ was received in the Office on \_\_\_\_\_, which is after the expiration of the period for response set in the last Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).
3. ☐ Applicant's response filed \_\_\_\_\_ included the following items, the receipt of which is hereby acknowledged:

- ☐ Copy of the international application in:
  - ☐ a non-English language.
  - ☐ English.
- ☐ Translation of the international application into English ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)) ☐ which is insufficient.
- ☐ Oath or Declaration of inventors(s).
- ☐ in compliance with 37 CFR 1.497(a) and (b).
- ☐ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ Surcharge (37 CFR 1.492(e)) ☐ which is insufficient.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s).
- ☐ Information Disclosure Statement(s).
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification.
- ☐ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☐ Other.

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JAN 08 2001

FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, L.L.P.

JAN 09 2001

4. ☒ All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed 20 NOV 00) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation

Vonda M. Wallace

Telephone: 703-305-3738

FORM PCT/DO/EO/916 (December 1997)

Attorney Docket No.: 06267.0053

Customer Number: 22,852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Ilkka LARMA et al. )

Serial No.: 09/673,794 )

Filed: October 20, 2000 )

Group Art Unit: Unassigned

Examiner: Unassigned

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05 FEB 2001

Legal Staff  
International Division

National Stage of International Application No. PCT/FI99/00329 under 35 U.S.C. 371, for CONTROLLED RELEASE PERORAL COMPOSITIONS OF LEVOSIMENDAN

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE  
AND PETITION FOR NAME CHANGE OF INVENTOR**

In response to the Notification of A Defective Response dated January 4, 2001, and the Notification of A Defective Oath or Declaration dated January 4, 2001, please change the name of the second inventor as follows.

In accordance with MPEP § 605.04(c), applicants hereby petition under 37 C.F.R. § 1.182 to change the name of inventor Maarit HARJULA to Maarit BÄCKMAN. Enclosed with this Petition is a court order reflecting the name change, together with an English translation of the document. Also, enclosed is the Petition fee of \$130.00 due in accordance with 37 C.F.R. § 1.17(H).

Pursuant to this Petition, the second inventor's name is properly identified on the declaration filed on December 20, 2000.

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

Attorney Docket No.:06267.0053  
Customer Number: 22,852

If there is any other fee due in connection with the filing of this Petition,  
please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:



Ernest F. Chapman  
Reg. No. 25,961

Dated: January 25, 2001  
Enclosures  
SJS/FPD/sci

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000



# VIRKATODISTUS

patenttihakemusta varten

Paikka, aika ja virasto  
Helsinki 03.05.2000  
Helsingin ev.-lut. seurakuntien keskusrekisteri

Sukunimi	Bäckman e. Harjula
Etunimet	Maarit Hannele
Henkilötunnus	160266-0984
Syntymäkotikunta	Vaasa
Kansalaisuus	Suomi
Rek.viranomainen	Helsingin maistraatti
Seurakunta	Munkkiniemi evl
Kotikunta	Helsinki
Siviilisääty	Avioliitossa Elää

\* \* \* \* \*

Yllämainitut tiedot todistetaan oikeiksi seurakunnan kirkonkirjojen perusteella. Tiedot ovat yhdenmukaiset väestötietojärjestelmän tietojen kanssa.

Nimen selvennys  
Virka-asema

Hannu Houtsonen  
johtaja

Lunastus 20.00 mk

Väestötietoasetuksen (886/93) 30§:n mukaan todistus voidaan allekirjoittaa konsallisesti.

CHAPTER OF  
HELSINKI DIOCESE

OFFICIAL CERTIFICATE  
for a patent application

Place, date and office  
Helsinki, May 3, 2000

Central Registry of the Evangelical Lutheran Parishes in Helsinki

Family name	Bäckman, formerly Harjula
Given names	Maarit Hannele
Social security number	160266-0984*
Domicile at birth	Vaasa
Nationality	Finland
Registration authority	Helsinki City Administrative Court
Parish	Munkkiniemi Evangelical Lutheran Parish
Municipality of domicile	Helsinki
Marital status	Married Living

\* \* \* \* \*

The above data are certified correct on the basis of the parish records. The data are identical with the data in the Vital Statistics System.

Name typed or printed  
Official position

(signature)  
Hannu Houtsonen  
Director

Fee 20.00 FIM

Under Section 30 of the Statutory Order regarding Vital Statistics (886/93), the certificate may be signed by machine.

\*Translator's note: The first six digits of the social security number indicate the day, month and year of birth, in that order.

Certified a true translation of the Finnish original:  
Helsinki, May 15, 2000

*Mirja Lavanne*  
Mirja Lavanne, Authorized Translator

